

SUMMARY MINUTES OF THE SAINT PAUL CITY COUNCIL Wednesday, January 24, 2007 - 3:30 p.m.

CITY COUNCIL CHAMBERS, 3RD FLOOR City Hall and Court House 15 West Kellogg Boulevard

Note: All City Council meetings are on the City of Saint Paul's website. Meetings can be viewed in their entirety or a specific item can be viewed. Visit our website at www.ci.stpaul.mn.us/council and click on Watch the Live Webcast.

The meeting was called to order by Council President Lantry at 3:30 p.m.

Present – 7 – Benanav, Bostrom, Harris, Helgen, Lantry, Montgomery, Thune Absent – 0

CONSENT AGENDA (Items 1 - 29)

NOTE: ALL ITEMS LISTED UNDER CONSENT AGENDA WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS. IF DISCUSSION IS DESIRED BY A COUNCILMEMBER, THAT ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

Councilmember Helgen requested Item #9 be removed for discussion Councilmember Thune moved approval of the consent agenda as amended. Adopted as amended Yeas - 7 Nays - 0

COMMUNICATIONS AND ADMINISTRATIVE ORDERS

- Claims of Michael Dixon, and Lindell & Lavoie, LLP (for Christopher A. Mondry). Referred to Risk Management
- Statement of Claim and Summons in the matter of Ronald C. Buford vs. one seized 1997 Chevrolet Tahoe.
 Referred to the City Attorney's Office
- 3. Letter from the Office of the City Attorney announcing an Administrative Hearing on February 1, 2007 at 9:30 a.m., Room 220 County Commissioners Office, City Hall/Courthouse, 15 West Kellogg Boulevard, to consider all licenses held by Hmong American Partnership, 1075 Arcade Street.

- 4. Letter from the Department of Planning and Economic Development announcing a public hearing before the City Council on February 7, 2007 to consider the application of Kristi Wheeler/Adam H. Duckwall for a subdivision (Combined Plat) for Duckwall Division to create two single family parcels at 519 Wheelock Parkway East, between Hoyt Avenue and Edgerton Street. (Zoning File No. 06- 115-643)
- 5. Letter from the Department of Planning and Economic Development announcing a public hearing before the City Council on February 7, 2007 to consider the application of Nou Vang to rezone property from I1 (Light Industrial) to TN2 (Traditional Neighborhood) at 892 Hamline Avenue North, Northeast corner at Pierce Butler Route. (Zone File No. 06-289-537)
- 6. (No item)

FOR ACTION

7. Approval of minutes of January 3, 2007. Adopted Yeas – 7 Nays – 0

8. Resolution – 07-48 – Approving renewal of the City's contract with Saint Paul Neighborhood Network (SPNN) for the provision of Public and Educational access services and community programming.

Adopted Yeas - 7 Nays - 0

9. Resolution – 07-49 – Identifying Joint Legislative Interests of the Cities of Saint Paul and Minneapolis.

(Discussed after the consent agenda)

10. Resolution – 07-50 – Delegating to a Pricing Committee the sale of Water Revenue Refunding Bonds, Series 2007A, not to exceed \$9,125,000, and providing for their issuance.

Adopted Yeas - 7 Nays - 0

11. Resolution – 07-51 – Authorizing the execution of a signage amendment to the Conservation Easement granted to the Minnesota Department of Natural Resources for the Bruce Vento Nature Sanctuary.

Adopted Yeas - 7 Nays - 0

12. Resolution – 07-52 – Approving a Certificate of Correction to the Final Plat for Neighborhood Housing Payne Avenue Townhomes Second Addition.

13. Resolution – 07-53 – Authorizing the proper City officials to participate in Adaptive Recreation Program events and classes where food is served.

Adopted Yeas - 7 Nays - 0

14. Resolution – 07-54 – Authorizing the Department of Fire and Safety Services to accept the donation of \$250.00 from Saint Patrick's Association.

Adopted Yeas - 7 Nays - 0

15. Resolution – 07-55 – Authorizing the Department of Fire and Safety Services to accept a 2007 Influenza Pandemic Planning Grant in the amount of \$59,608.00 from the State of Minnesota to enhance the City's pandemic influenza preparedness.

Adopted Yeas - 7 Nays - 0

16. Resolution – 07-56 – Approving the appointments of Wendy Moylan and Ricky Wayne Nelson, and the reappointment of Thomas Kayser, by Mayor Coleman, to the Saint Paul Parks and Recreation Commission.

Adopted Yeas - 7 Nays - 0

17. Resolution – 07-57 – Approving the appointments of Harriet Mednick, Dennis Sohlstrom, Kelly O'Brien, and Parthenia Swyningan, and the reappointments of Renee Skoglund, Jamie Warndahl, Paula Wieczorek, and Ruth Blackman, by Mayor Coleman, to the Advisory Committee on Aging.

Adopted Yeas - 7 Nays - 0

 Resolution – 07-58 – Approving the appointment of Michael Yang, by Mayor Coleman, to the Capitol Area Architectural Planning Board.
 Withdrawn

19. Resolution – 07-59 – Approving the appointment of Janice Lindstrom and the reappointment of Patrick Wood, by Mayor Coleman, to the Ramsey County/City of Saint Paul Homeless Advisory Board.

Adopted Yeas - 7 Nays - 0

20. Resolution – 07-60 – Approving the reappointments of Representatives Alice Hausman and Tim Mahoney, by Mayor Coleman, to the Saint Paul Riverfront Corporation.

Adopted Yeas – 7 Nays – 0

21. Resolution – 07-61 – Approving the appointments of Robert Barbosa and Matthew Cole, by Mayor Coleman, to the Bicycle Advisory Board. (GS 3036282)

22. Resolution – 07-62 – Waiving the 45-day notice requirement and granting Pizza Luce, 1183 Selby Avenue, a 2:00 a.m. wine and strong beer license, with conditions. Withdrawn

23. Resolution – 07-63 – Approving the application, per the Legislative Hearing Officer, for a Tattoo Parlor License by Titus McKnight, d/b/a Five Star Tattoo Co. LLC, 927 University Avenue.

Adopted Yeas - 7 Nays - 0

24. Resolution – 07-64 – Approving adverse action against the Second Hand Dealer (Antiques) license held by Richard G. Lefebvre, d/b/a Antiques of Quality, 918 Raymond Avenue.

Adopted Yeas - 7 Nays - 0

25. Resolution – 07-65 – Approving adverse action against the Second Hand Dealer license held by Finch Designs, d/b/a Ma Barkers Bazaar, 509 Sibley Street.

Adopted Yeas - 7 Nays - 0

26. Resolution – 07-66 – Approving adverse action against the Mobile Food Vehicle license application submitted by Shane R. Murray, d/b/a Red Bell Ice Cream, for the City of Saint Paul.

Adopted Yeas - 7 Nays - 0

27. Resolution – 07-67 – Approving adverse action against the Massage Practitioner license held by Lynn M. Hurd for the City of Saint Paul.

Adopted Yeas - 7 Nays - 0

28. Resolution – 07-68 – Approving adverse action against the Massage Practitioner license held by Kelly E. Robledo for the City of Saint Paul.

Adopted Yeas - 7 Nays - 0

29. Resolution Approving Assessment – 07-69 – In the matter of the assessment of benefits, cost and expenses for boarding up vacant buildings during October 2006 (J0612B); towing abandoned vehicles from private properties during October 2006 (J0607V); and setting date of public hearing for March 7, 2007.

 $Adopted \qquad Yeas-7 \qquad Nays-0$

9. Resolution – 07-49 – Identifying Joint Legislative Interests of the Cities of Saint Paul and Minneapolis. (GS 3036287)

Councilmember Helgen said this resolution was reviewed at the Legislative Committee and presented at the joint meeting with the Minneapolis City Council. He thanked the Councilmembers for being co-authors on this important joint resolution. He also thanked staff including Elizabeth Davis, Trudy Moloney, Wendy Underwood, Mike Wilhelmi, and anyone else involved

Councilmember Helgen moved approval.

Adopted

Yeas - 7

Nays - 0

Councilmember Thune moved suspension of the rules to introduce the following resolution:

Yeas - 7 Nays - 0

Resolution – 07-71 – Proclaiming January 24, 2007 to be *Harry Gaston Day* in the City of Saint Paul.

Councilmember Thune read the resolution recognizing Harry Gaston who recently passed away.

Don Luna, West Side resident and President of West Side Citizens Organization, accepted the resolution on behalf of the Gaston family and extended thanks and appreciation.

Councilmember Thune moved approval.

Adopted

Yeas - 7

Navs - 0

FOR DISCUSSION

30. Report from Rachel Gunderson, Assistant City Attorney, regarding regulation for delinquent administrative fine payments. (Report requested by Council on December 20, 2006)

Rachel Gunderson distributed a memorandum to the Council. She noted that she was present to respond to a question raised by Councilmember Harris at the December 20 City Council meeting: "Why do we let people pay their administrative fines late?" She stated that she drafted changes to Chapter 310 of the City's ordinances to address that issue. The two changes reflected in the memo are a change that says if a fine is paid more than 30 days late, a late fee of \$250 will be imposed. She also wrote in a provision that the Council could extend the 30-day deadline if a licensee asked to have it extended for some reasons. The other concern may be whether or not the licensee would get notice. Ms.

Gunderson said when she files a notice of violation and the procedures of the Office of LIEP, she will warn people that there is a 30-day deadline and the consequences will be outlined. Besides the late fee, there is a consequence of a suspension of all licenses that were involved in the adverse action. Any time the City imposes a fee, the fee must have a corresponding service that it is paying for. The \$250 is the approximate cost of suspending a license. After the 30 days, or whatever deadline the Council chooses, the license would be administratively suspended until the fine and late fees were paid. In the proposed changes, any time a license is suspended for late payment of fees, it would be in addition to any time that is imposed as part of the original sanction.

31. Presentation by Anne Hunt, Mayor's Office, on the City's Green Building efforts.

Ms. Hunt highlighted some of the green building efforts that are being done in Saint Paul. The Mayor's goal is to try to make Saint Paul the most livable, greenest, beautiful city in America, Ms. Hunt said. About a year ago, the Council passed a resolution on a U.S. Mayor's Climate Protection Agreement where it was agreed to try to work to reduce carbon dioxide emissions by 20 percent by the year 2020. This will be done by increasing efficiency, promoting renewable energy and alternative fuels, and reducing the number of vehicle miles traveled. The Sustainable Saint Paul team has been looking at things through the lens of sustainability - - things that are going to have the biggest environmental impact, things that are going to be cost effective, and things that tax payers and the broad public will be able to support.

Ms. Hunt said some of the reasons they are focused on buildings and future buildings is because the first cost of buildings are usually just 6% and over the 30-year life of a building, it's the day-to-day expenses that add up to the total cost of a building. With the green building resolution before the Council at this time, they will be focused on how the City can design a smarter, better, greener building that, in the long term, is going to have fewer operating expenses.

Ms. Hunt gave a Power Point presentation. This can be found on the City Council's meeting website.

32. Resolution – 07-70 – Establishing a Sustainable Development Policy for new and renovated municipal buildings in the City of Saint Paul.

Councilmember Helgen presented a substitute resolution and explained the changes.

Councilmember Helgen moved approval of the substitute. Substitute adopted Yeas - 7 Nays - 0

33. Resolution – 06-1120 – Establishing a building deficiency point system for the purpose of implementing a Fire Certificate of Occupancy Inspection Schedule based on building characteristics, per Title VI of the Legislative Code "Building and Housing." (Amended and laid over from January 10) (Companion to Ordinance 06-1130)

Council President Lantry moved approval.

Adopted Yeas - 7 Nays - 0

ORDINANCES

- NOTE: AN ORDINANCE IS A CITY LAW ENACTED BY THE CITY COUNCIL. IT IS READ AT FOUR SEPARATE COUNCIL MEETINGS AND BECOMES EFFECTIVE AFTER PASSAGE BY THE COUNCIL AND 30 DAYS AFTER PUBLICATION IN THE <u>SAINT PAUL LEGAL LEDGER</u>.
- 34. Final Adoption 06-1129 An ordinance amending Title VI of the Saint Paul Legislative Code, "Building and Housing," to create a chapter establishing a Fire Certificate of Occupancy Program. (Amended January 10 and January 17)

Councilmember Thune said his office was contacted with concerns about inspections and notification of tenants living in properties. He said he was prepared to offer an amendment requiring proper notification; however, he learned that this is already a part of a state law that exists requiring landlords to notify tenants both for entrance into a building and for purposes of an inspection. He said he has been told language could be put in the letter to the landlords reminding them to notify their tenants because it's state law. If there is a complaint, a response should be ready with a reminder of tenants' rights.

Councilmembers Bostrom and Benanav moved approval

Adopted Yeas - 7 Nays - 0

35. Final Adoption – 06-1130 – An ordinance amending Title VI of the Saint Paul Legislative Code, "Building and Housing," the Fire Certificate of Occupancy Program, to include a Classification System. (Amended January 10)

Council President Lantry moved approval.

Adopted Yeas - 7 Nays - 0

36. Final Adoption – 06-1131 – An ordinance repealing Chapter 51 of the Saint Paul Legislative Code pertaining to Dwelling Unit Registration.

Councilmember Bostrom moved approval.

37. Final Adoption – 06-1132 – An ordinance amending Chapter 33 of the Saint Paul Legislative Code pertaining to Building Code and Inspection. (Amended January 10 and January 17)

Councilmember Bostrom moved approval.

Adopted Yeas - 7 Nays - 0

- 38. Third Reading 07-29 An ordinance memorializing City Council action granting the application of Margery Wells to rezone property from RM-2 (Multiple-Family Residential) to OS (Office-Service) at 1449 Grand Avenue, between Pascal and Albert Streets. (Zoning File No. 06-240-622) (Public hearing held December 20, 2006) Laid over to February 7 for final adoption
- 39. Second Reading 07-38 An ordinance amending Chapter 166.10 of the Saint Paul Legislative Code by extending the residential street permit parking district in the Irvine Park neighborhood to include residents on the south side of Exchange Street.

Councilmember Thune said Forepaugh's Restaurant had concerns as to whether this ordinance will allow public parking in front of their building. He requested Public Works be contacted so public parking is not put in front of Forepaugh's

Laid over to February 7 for third reading/public hearing

40. Second Reading – 07-39 – An ordinance amending Chapter 64 of the Saint Paul Legislative Code pertaining to signs, amending existing language and adding new language pertaining to temporary signs, skyway banners and light pole banners; amending Saint Paul Legislative Code Section 140.07 pertaining to skyway advertising and exterior signs, adding new language regulating exterior skyway banners; and amending Saint Paul Legislative Code Section 286.03 pertaining to posting of masts and poles, regulating banners on light poles.

Laid over to February 7 for third reading/public hearing

Suspension Items:

Councilmember Thune moved suspension of the rules to introduce the following resolution:

$$Yeas - 7$$
 $Nays - 0$

Resolution -07-72 – Scheduling a closed meeting for Wednesday, February 7, 2007 for the City Council to consider strategy for labor negotiations.

Council President Lantry moved approval.

Councilmember Thune moved suspension of the rules to introduce the following resolution: Yeas - 7 Nays - 0

Resolution – 07-73 – Prohibiting the issuance or approval of zoning and building permits to retrofit any existing billboard with digital or electronic panels of any sort until such time as a study on this matter has been completed. (Companion to Ordinance 07-74)

Councilmember Thune moved approval.

Adopted Yeas - 7 Nays - 0

Councilmember Thune moved suspension of the rules to introduce the following ordinance:

Yeas - 7 Nays - 0

First Reading – 07-74 – An ordinance pursuant to Minn. Stat. § 462.355, Subd. 4 to preserve the status quo pending the completion and report of a study and possible action on the study including amending the City's zoning ordinances regulating advertising signs as they may pertain to retrofitting existing advertising signs with new "digital" or "electronic" panels.

Laid over to February 7 for second reading

Councilmember Thune moved suspension of the rules to introduce the following resolution:

Yeas - 7 Nays - 0

Resolution -07-75 – Indemnifying Ramsey County Parks and Recreation and the City of Roseville for their involvement with the City of Saint Paul's 2007 Softball on Ice tournament.

Councilmember Thune moved approval.

Adopted Yeas - 7 Nays - 0

Councilmember Thune moved suspension of the rules to introduce the following resolution:

Yeas - 7 Nays - 0

Resolution – 07-76 – Indemnifying Dean's Tavern, located in the City of Roseville, for their involvement with the City of Saint Paul's 2007 Softball on Ice tournament.

Councilmember Thune moved approval.

Adopted Yeas - 7 Nays - 0

Councilmember Harris moved suspension of the rules to introduce the following resolution:

Yeas - 7 Nays - 0

Resolution - 07-77 - Authorizing the execution of a First Amendment to a Lease-Purchase Agreement with the RiverCentre Convention and Visitors Authority.
Councilmember Harris moved approval Adopted Yeas – 7 Nays – 0
Councilmember Montgomery moved suspension of the rules to introduce the following resolution: $Yeas - 7$ $Nays - 0$
Resolution – 07-78 – Approving the license application, per the Legislative Hearing Officer, for a State of Minnesota Gambling Control Board's Premise Permit by Community Charities of Minnesota, 400 Selby Avenue.
Councilmember Montgomery moved approval Adopted Yeas – 7 Nays – 0
Councilmember Montgomery moved suspension of the rules to introduce the following resolution: $Yeas - 7$ $Nays - 0$
Resolution – 07-79 – Approving the license application, per the Legislative Hearing Officer, for a Gambling Location License by Cathedral Hill Hospitality, d/b/a Fern's Bar and Grill, 400 Selby Avenue.
Councilmember Montgomery moved approval. Adopted Yeas – 7 Nays – 0
Councilmember Thune moved to adjourn the meeting. $Yeas - 7$ Nays $- 0$
ADJOURNED at 4:15 P.M. ATTEST:

Assistant Council Secretary

Submitted by:

Mary Erickson

February 7, 2006

Minutes approved by Council

Kathy Lantry, Council President

Mary Erickson